

MONTANA LEGISLATIVE HISTORY

Chapter 563 1983

Bill H 853 S _____ Original bill & history ____C

H. Committee on Business + Industry S. Committee on Business + Industry

Hearing Date(s) 2-18 ____C

Hearing Date(s) 3-19 ____C

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Date Out _____C

Rpt 2-1

Rpt 3-19

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

BUSINESS & INDUSTRY COMMITTEE

48 Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 852	THAT MUNICIPALITIES MAY CONDITION THE GRANTING OF CERTAIN FRANCHISES TO ENTITIES FURNISHING UNREGULATED SERVICES	2-16	MENAHAN	2-21	INDEFINITELY POSTPONED	2-21
HB 853	REESTABLISHING THE BOARD OF HORSERACING UNDER EXISTING STATUTORY AUTHORITY	2-16	MILLER	2-18	DO PASS AMENDED	2-18
HB 883	TO PROVIDE FOR THE OWNERSHIP AND OPERATION OF PUBLIC UTILITIES BY UNITS OF LOCAL GOVERNMENT	2-16	BRAND	2-21	TABLED	2-21
HB 886	REVISE THE LAWS RELATING TO THE LICENSING AND REGULATION OF BARBERS	2-16	PAVLOVICH	2-21	DO PASS AMENDED	2-21

HOUSE BILL NO. 853

INTRODUCED BY MILLER, GAGE, ASAY,
HANSON, HEMSTAD, R. MANNING, ABRAMS,
PHILLIPS, MCCORMICK, O'CONNELL, NISBET,
DOZIER, FABREGA, BERGENE, SPAETH

IN THE HOUSE

February 15, 1983	Introduced and referred to Committee on Business and Industry.
February 18, 1983	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
February 21, 1983	Bill printed and placed on members' desks.
February 22, 1983	Second reading, do pass as amended.
February 23, 1983	Correctly engrossed. Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Business and Industry.
March 19, 1983	Committee recommended bill be concurred in as amended. Report adopted.
March 22, 1983	Second reading, pass consideration. On motion, taken from second reading and rereferred to Committee on Business and Industry.

March 24, 1983

Committee recommend bill be
concurrent in as amended.
Report adopted.

March 26, 1983

Second reading, concurrent in.

March 28, 1983

Third reading, concurrent in.
Ayes, 47; Noes, 0.

IN THE HOUSE

March 28, 1983

Returned to House with
amendments and Statement of
Intent as amended.

April 4, 1983

Second reading, amendments and
Statement of Intent amendments
concurrent in.

April 5, 1983

Third reading, amendments and
Statement of Intent amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

1 *Spauld* *House* BILL NO. *853*
 2 INTRODUCED BY *Wally Spauld (Way M. Hanson)*
 3 *Richard Manning (Richard Phillips)* *McLinnich*
 4 *Canfield* *Nash* *Doz* *Engene*
 A BILL FOR AN ACT ENTITLED: "AN ACT REESTABLISHING THE
 BOARD OF HORSERACING UNDER EXISTING STATUTORY AUTHORITY AND
 RULES; CHANGING THE COMPOSITION OF THE BOARD; PROVIDING FOR
 AN EXECUTIVE SECRETARY TO THE BOARD AND DEFINING HIS DUTIES;
 REQUIRING THE BOARD TO ESTABLISH A FUND FOR RECOGNITION OF
 MONTANA-BRED HORSES; REVISING AND CLARIFYING PROVISIONS
 RELATING TO HORSERACING; AMENDING SECTIONS 2-8-103,
 2-15-1881, 23-4-101, 23-4-104, 23-4-105, 23-4-201, 23-4-202,
 23-4-204, 23-4-301, 23-4-302, 23-4-304, AND 23-4-305, MCA;
 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
NEW SECTION. Section 1. Reestablishment. The board of
 horseracing created pursuant to 2-15-1881 is reestablished
 with its existing statutory authority and rules for 6 years
 pursuant to 2-8-122.
 Section 2. Section 2-8-103, MCA, is amended to read:
 "2-8-103. Agencies to terminate. (1) The following
 agencies shall terminate on July 1, 1979:
 (a) board of abstracters, department of professional
 and occupational licensing, created by 2-15-1643;
 (b) board of real estate, department of professional

and occupational licensing, created by 2-15-1642;
 (c) state board of warm air heating, ventilation, and
 air conditioning, department of professional and
 occupational licensing, created by 2-15-1656;
 (d) board of institutions, department of institutions,
 created by 2-15-2303.
 (2) The following agencies shall terminate on July 1,
 1981:
 (a) board of athletics, department of professional and
 occupational licensing, created by 2-15-1661;
 (b) board of massage therapists, department of
 professional and occupational licensing, created by
 2-15-1627;
 (c) board of osteopathic physicians, department of
 professional and occupational licensing, created by
 2-15-1607;
 (d) board of podiatry examiners, department of
 professional and occupational licensing, created by
 2-15-1608.
 (3) The following units of state government shall
 terminate on July 1, 1983:
 (a) board of aeronautics, department of commerce,
 created by 2-15-1812;
 (b) state board of hail insurance, department of
 agriculture, created by 2-15-3003;

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HB 853

1 (c) -- board -- of -- horseracing -- department -- of -- commerce,
2 created by 2-15-1881;
3 (d) (L) board of livestock, department of livestock,
4 created by 2-15-3102;
5 (e) (L) board of milk control, department of commerce,
6 created by 2-15-1802;
7 (f) (L) board of oil and gas conservation, department
8 of natural resources and conservation, created by 2-15-3303;
9 (g) (L) Montana outfitters' council, department of
10 fish, wildlife, and parks, created by 2-15-3403;
11 (h) (L) public service commission, department of public
12 service regulation, created by 69-1-102;
13 (i) (L) board of water and wastewater operators,
14 department of health and environmental sciences, created by
15 2-15-2105;
16 (j) (L) board of water well contractors, department of
17 commerce, created by 2-15-1862.
18 (4) The following agencies terminate on July 1, 1985:
19 (a) the board of public accountants, department of
20 commerce, created by 2-15-1866;
21 (b) the board of architects, department of commerce,
22 created by 2-15-1871;
23 (c) state banking board, department of commerce,
24 created by 2-15-1803;
25 (d) the state electrical board, department of

1 commerce, created by 2-15-1874;
2 (e) the board of professional engineers and land
3 surveyors, department of commerce, created by 2-15-1873;
4 (f) office of commissioner of insurance and the
5 insurance department, state auditor's office, created by
6 2-15-1902 and 2-15-1903;
7 (g) office of the securities commissioner, state
8 auditor's office, created by 2-15-1901;
9 (h) the board of landscape architects, department of
10 commerce, created by 2-15-1872;
11 (i) the board of county printing, department of
12 commerce, created by 2-15-1811;
13 (j) the board of plumbers, department of commerce,
14 created by 2-15-1875;
15 (k) board of physical therapy examiners, department of
16 commerce, created by 2-15-1858.
17 (5) The following agencies terminate on July 1, 1987:
18 (a) commission for human rights, department of labor
19 and industry, created by 2-15-1706;
20 (b) Montana state board of medical examiners,
21 department of commerce, created by 2-15-1841;
22 (c) board of dentistry, department of commerce,
23 created by 2-15-1842;
24 (d) board of pharmacists, department of commerce,
25 created by 2-15-1843;

1 (e) board of nursing, department of commerce, created
2 by 2-15-1844;

3 (f) board of nursing home administrators, department
4 of commerce, created by 2-15-1845;

5 (g) board of optometrists, department of commerce,
6 created by 2-15-1846;

7 (h) board of chiropractors, department of commerce,
8 created by 2-15-1847;

9 (i) board of radiologic technologists, department of
10 commerce, created by 2-15-1848;

11 (j) board of speech pathologists and audiologists,
12 department of commerce, created by 2-15-1849;

13 (k) board of hearing aid dispensers, department of
14 commerce, created by 2-15-1850;

15 (l) board of psychologists, department of commerce,
16 created by 2-15-1851;

17 (m) board of veterinarians, department of commerce,
18 created by 2-15-1852;

19 (n) board of morticians, department of commerce,
20 created by 2-15-1853;

21 (o) board of barbers, department of commerce, created
22 by 2-15-1856;

23 (p) board of cosmetologists, department of commerce,
24 created by 2-15-1857;

25 (q) board of sanitarians, department of commerce,

1 created by 2-15-1861;

2 (r) board of veterans' affairs, department of social
3 and rehabilitation services, created by 2-15-2202.

4 ~~(6) The following agency terminates July 1, 1989:~~
5 ~~board of horseracing, department of commerce, created by~~
6 ~~2-15-1881."~~

7 Section 3. Section 2-15-1881, MCA, is amended to read:
8 "2-15-1881. Board of horseracing. (1) There is a board
9 of horseracing.

10 (2) The board consists of five members appointed by
11 the governor with the consent of the senate, who shall be
12 citizens, residents, and qualified electors of this state.
13 ~~At least one member shall be a breeder of racing horses; one~~
14 ~~member shall be a member of an independent horseracing~~
15 ~~association; one member shall be a member of a county fair~~
16 ~~board that conducts a fair featuring pari-mutuel betting, and~~
17 ~~two members shall have occupations unrelated to horseracing~~
18 ~~No person holding a financial interest in a racetrack or~~
19 ~~race meets, member of a county fair board, or owner, trainer,~~
20 ~~or breeder of a racehorse is eligible for membership on the~~
21 ~~board.~~

22 (3) ~~The governor shall not appoint any member who~~
23 ~~resides in the same county as a current member.~~ The governor
24 shall appoint members on the basis of experience and
25 qualifications, and a reasonable geographic balance

1 throughout--the-state- one member from each of the following
2 districts:

3 (a) first district, consisting of Blaine, Carter,
4 Custer, Daniels, Dawson, Fallon, Garfield, McCone, Phillips,
5 Powder, River, Prairie, Richland, Rosebud, Roosevelt,
6 Sheridan, Treasure, Valley, and Wibaux Counties;

7 (b) second district, consisting of Big Horn, Carbon,
8 Fergus, Golden Valley, Judith Basin, Musselshell, Petroleum,
9 Sweet Grass, Stillwater, Wheatland, and Yellowstone
10 Counties;

11 (c) third district, consisting of Cascade, Chouteau,
12 Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties;

13 (d) fourth district, consisting of Beaverhead,
14 Broadwater, Deer Lodge, Gallatin, Jefferson, Lewis, and
15 Clark, Madison, Meagher, Park, and Silver Bow Counties; and

16 (e) fifth district, consisting of Flathead, Granite,
17 Lake, Lincoln, Missoula, Mineral, Powell, Ravalli, and
18 Sanders Counties.

19 (4) Each member shall serve for a staggered term of 3
20 years. A member may be removed from office by the governor
21 only for cause.

22 (5) A board member may succeed himself upon
23 reappointment by the governor. A vacancy on the board must
24 be filled for the unexpired term by appointment by the
25 governor, with the consent of the senate, as provided in

1 this section.

2 ~~†5†161~~ The board is allocated to the department for
3 administrative purposes only as prescribed in 2-15-121."

4 Section 4. Section 23-4-101, MCA, is amended to read:

5 "23-4-101. Definitions. Unless the context requires
6 otherwise, in this chapter, the following definitions apply:

7 (1) "Board" means the board of horseracing provided
8 for in 2-15-1881.

9 (2) "Department" means the department of commerce
10 provided for in Title 2, chapter 15, part 18.

11 (3) "Immediate family" means the spouse, parents,
12 children, grandchildren, brothers, or sisters of an official
13 or licensee regulated by this chapter and all other persons
14 who have a permanent or continuous residence in the
15 household of the official or licensee.

16 (4) "Minor" means a person under 18 years of age.

17 ~~†3†15~~ "Persons" means individuals, firms,
18 corporations, local government units, and associations.

19 ~~†4†161~~ "Race meet" means ~~an~~---exhibition---of
20 ~~thoroughbred~~---purebred---or racing of registered horseracing
21 horses where the parimutuel system of wagering is used.

22 (7) "Steward" means an official appointed by the board
23 and by persons sponsoring a race meet to regulate and
24 control the day-to-day conduct and operation of a sanctioned
25 meet."

1 Section 5. Section 23-4-104, MCA, is amended to read:
 2 "23-4-104. Duties of board. The board shall adopt
 3 rules to govern race meets and the parimutuel system. These
 4 rules shall include the following:
 5 (1) definitions;
 6 (2) auditing;
 7 (3) supervision of the parimutuel system;
 8 (4) corrupt practices;
 9 (5) supervision, duties, and responsibilities of the
 10 ~~executive secretary~~, presiding steward, racing secretary,
 11 and other racing officials;
 12 (6) licensing of all personnel who have anything to do
 13 with the substantive operation of racing;
 14 (7) the establishment of dates for race meets and
 15 meetings in the best interests of breeding and racing in
 16 this state; and
 17 (8) the veterinary practices and standards which must
 18 be observed in connection with race meets;
 19 ~~(9) absolute responsibility of trainers for the~~
 20 ~~condition of horses regardless of the acts of third~~
 21 ~~parties;~~
 22 ~~(10) licensing or renewal of a license of a person~~
 23 ~~whose license has been suspended by the board or another~~
 24 ~~horseracing jurisdiction; and~~
 25 ~~(11) setting license fees commensurate with the cost of~~

1 ~~issuing a license."~~
 2 Section 6. Section 23-4-105, MCA, is amended to read:
 3 "23-4-105. Authority of board. The board shall,
 4 subject to 37-1-101 and 37-1-121, license and regulate
 5 horseracing and supervise ~~review~~ race meets held in this
 6 state under this chapter ~~and shall have the places where~~
 7 ~~race meets are held visited and inspected at least once a~~
 8 ~~year."~~
 9 NEW SECTION. Section 7. Executive secretary -- powers
 10 and duties -- staff -- prohibition on racing activities. (1)
 11 The department shall appoint an executive secretary for the
 12 board.
 13 (2) The executive secretary, in accordance with rules
 14 adopted by the board and provisions of this chapter, shall:
 15 (a) supervise race meets and activities of racing
 16 officials;
 17 (b) hire all state racing officials;
 18 (c) inspect race facilities; and
 19 (d) perform other duties as directed by the board.
 20 (3) The executive secretary may, subject to the
 21 approval of the board, hire staff to assist him in
 22 performing his duties.
 23 (4) The executive secretary, a member of his staff,
 24 and any member of the executive secretary's or a staff
 25 member's immediate family are prohibited from owning,

1 training, or having any interest in a racehorse running on a
2 Montana track or having any financial interest in any
3 Montana racing association.

4 Section 8. Section 23-4-201, MCA, is amended to read:

5 "23-4-201. Licenses. (1) It is unlawful for a person
6 to hold a race meet in this state without a valid license
7 issued by the department under this chapter. A person
8 applying for a license to hold a race meet under this
9 chapter shall file an application with the department which
10 shall set forth the time, place, and number of days the
11 license will continue and other information the board
12 requires.

13 (2) A person who participates in a race meet shall be
14 licensed and charged an annual fee ~~not to exceed \$15 set by~~
15 ~~the board~~, which shall be paid to the department and used
16 for expenses of ~~the board administering this chapter~~,
17 subject to 37-1-101(6). Each person holding a license under
18 this chapter ~~and every owner, trainer, jockey, and attendant~~
19 at a racecourse in this state shall comply with this chapter
20 and with the rules adopted and orders issued by the board.

21 (3) ~~A person who has been convicted of a crime~~
22 ~~involving moral turpitude may not be issued a license of any~~
23 ~~kind nor may a~~ No license may be issued to a person who has
24 violated this chapter or the rules of the board or who has
25 failed to pay the fees, taxes, or moneys required under this

1 chapter.

2 (4) Applications to hold race meets shall be submitted
3 to the department, and the board shall act on the
4 applications within 30 days. The board is the sole judge of
5 whether the race meet may be licensed and the number of days
6 the meet may continue.

7 (5) The board shall require that a fair board ~~and an~~
8 ~~independent racing association~~ conducting race meets ~~in~~
9 ~~conjunction with its regularly scheduled fair shall~~ meet the
10 requirements of the rules adopted by the board before
11 granting a license.

12 (6) An unexpired license held by a person who violates
13 this chapter or who fails to pay to the department the sums
14 required under this chapter is subject to cancellation and
15 revocation by the board."

16 Section 9. Section 23-4-202, MCA, is amended to read:

17 "23-4-202. Penalty for violations of law -- authority
18 of board ~~-- judicial review~~. (1) A person holding a race
19 meet, an owner, trainer, or jockey participating in a race
20 meet, without first being licensed under this chapter, and a
21 person violating this chapter is guilty of a misdemeanor.

22 (2) The board ~~or, upon the board's authorization, the~~
23 ~~board of stewards of a race meet at which they officiate~~ may
24 exclude from racecourses in this state a person whom the
25 board considers detrimental to the best interest of racing

as defined by rules of the board.

(3) ~~The As its own formal act or through an act of a board of stewards of a race meet,~~ the board may suspend or revoke any license issued by the department to a licensee and assess a fine, not to exceed \$500 ~~\$1,000~~, against a licensee who violates any of the provisions of this chapter or any rule or order of the board. In addition to the suspension or revocation and fine, the board may forbid application for relicensure for a 2-year period.

(4) The board shall promulgate rules implementing this chapter, including the right to a hearing for individuals against whom action is taken or proposed herein. ~~The rules may include provisions for the following:~~

~~(a) summary imposition of penalty by the stewards of a race meet, including a fine and license suspension, subject to review under the contested case provisions of the Montana Administrative Procedure Act;~~

~~(b) stay of summary imposition of penalty by either the board or board of stewards;~~

~~(c) retention of purses pending final disposition of complaints, protests, or appeals of stewards' rulings;~~

~~(d) requirement of bonds in amounts commensurate with the costs of processing protests and complaints, returnable to successful protesters and complainants; and~~

~~(e) assessment of penalty and interest on the late~~

~~payment of fines, which must be paid before licenses are reinstated.~~

~~(5) The district court of the first judicial district of the state has exclusive jurisdiction for judicial review of cases arising under this chapter."~~

Section 10. Section 23-4-204, MCA, is amended to read:

"23-4-204. Race exclusively for Montana-bred horses -- bonus for winner. (1) For the purpose of encouraging the breeding in this state of valuable thoroughbred-purebred quarter-horse-appealoosay-or registered horses, at least one race each day at each race meet shall be limited to horses bred in this state ~~unless, in the board's judgment, there is an insufficient number of Montana-bred horses for such a race.~~ If in the opinion of the board sufficient competition cannot be had among this class of horses, the race may be eliminated for the day and a substitute race provided instead.

(2) A sum equal to 10% of the first money of every purse won by a horse bred in this state shall be paid by the licensee conducting the race meet to the breeder of the horse. Only the money contributed by the licensee conducting the race meet may be considered in computing the bonus."

Section 11. Section 23-4-301, MCA, is amended to read:

"23-4-301. Parimutuel betting -- other betting illegal. (1) It is unlawful to make, report, record, or

1 register a bet or wager on the result of a contest of speed,
2 skill, or endurance of an animal, whether the contest is
3 held within or outside of this state, except under this
4 chapter.

5 (2) A licensee conducting a race meet under this
6 chapter may provide a place in the race meet grounds or
7 enclosure where the licensee may conduct or supervise the
8 use of the parimutuel system by patrons on the result of the
9 races conducted by ~~the licensee at the race meet, if the~~
10 ~~parimutuel system is conducted~~ under this chapter and the
11 rules of the board.

12 (3) It is unlawful to conduct pool selling,
13 bookmaking, or to circulate handbooks or to bet or wager on
14 a race of a licensed race meet, other than by the parimutuel
15 system ~~and in the race meet grounds or enclosure where the~~
16 ~~race is held~~, or to permit a minor to use the parimutuel
17 system."

18 Section 12. Section 23-4-302, MCA, is amended to read:

19 "23-4-302. Distribution of deposits -- breakage. Each
20 licensee conducting the parimutuel system shall distribute
21 all sums deposited in any pool to the winner thereof, less
22 an amount which shall not exceed 20% 21% of the total
23 deposits plus the odd cents of all redistribution to be
24 based on each dollar deposited exceeding a sum equal to the
25 next lowest multiple of 10, known as "breakage".

1 Section 13. Section 23-4-304, MCA, is amended to read:

2 "23-4-304. Gross receipts -- department's percentage
3 -- collection and allocation. (1) The licensee shall pay to
4 the department 1% of the gross receipts of each day's
5 parimutuel betting at each race meet, which sums shall be
6 paid to the department within 5 days after receipt by the
7 licensee. At the end of each race meet the licensee shall
8 prepare a report to the department showing the amount of the
9 overpayments and underpayments. If the report shows the
10 underpayments to be in excess of the overpayments, the
11 balance shall be paid to the department. Money paid to the
12 department may be used for the expenses incurred in carrying
13 out this chapter.

14 (2) In addition to the sums paid under subsection (1),
15 each licensee shall pay to the department 1% of the gross
16 receipts of each day's parimutuel betting at each race meet
17 for allocation as an owner's award under subsection (3).
18 These sums must be paid to the department the same day as
19 received.

20 (3) At the end of the racing season, sums collected
21 under subsection (2) must be distributed by the department
22 to the licensed owners of those Montana-bred horses
23 finishing in the money at the meet from which the sums
24 derived. The owner's award must be calculated as follows:

25 (a) divide the total amount collected from the 1% levy

1 ~~by the total amount won by Montana-bred horses;~~
 2 ~~(b) multiply the quotient derived under subsection~~
 3 ~~(3)(a) by the total amount of money won by each owner's~~
 4 ~~Montana-bred horses.~~

5 ~~(4) For purposes of the owner's award under subsection~~
 6 ~~(3), "owner" means the individual, partnership, corporation,~~
 7 ~~person, or other entity that owns the horse at the time of~~
 8 ~~entry.~~

9 ~~(5) Licensees may not consider the sums available~~
 10 ~~under subsection (2) when establishing purses."~~

11 Section 14. Section 23-4-305, MCA, is amended to read:

12 "23-4-305. Deposit of unclaimed money. Each licensee
 13 holding a horse race meeting ~~must~~ shall, within 30 days of
 14 the end of the meeting ~~pay to the department for deposit in~~
 15 ~~the earmarked revenue fund for the board of horse racing all~~
 16 ~~unclaimed winning ticket money from any meet, report to the~~
 17 ~~board the total face value of all unclaimed winning tickets~~
 18 ~~from each parimutuel pool. The money from unclaimed winning~~
 19 ~~tickets must be retained by the licensee for capital~~
 20 ~~improvement approved by the board."~~

21 NEW SECTION. Section 15. Appointment of board members
 22 -- terms. (1) Within 30 days after [the effective date of
 23 this act], the governor shall appoint members to the board
 24 in compliance with 2-15-1801, as amended by [this act].

25 (2) One member shall serve a 1-year term, two members

1 shall serve 2-year terms, and two members shall serve 3-year
 2 terms. Each successor to such a member shall serve a 3-year
 3 term.

4 NEW SECTION. Section 16. Codification instruction.
 5 Section 7 is intended to be codified as an integral part of
 6 Title 23, chapter 4, and the provisions of Title 23, chapter
 7 4, apply to section 7.

8 NEW SECTION. Section 17. Effective date. This act is
 9 effective on passage and approval.

-End-

HOUSE BUSINESS & INDUSTRY COMMITTEE

Chairman, Rep. Jerry Metcalf, called the Business & Industry Committee to order on February 18, 1983, in The Governor's Reception Room, State Capitol Building, Helena, at 8:00 a.m. All members were present.

HOUSE BILL 553

REP. KATHLEEN McBRIDE, District 85, sponsor, opened by saying this legislation is the result of the Sunset Audit Committee Board of Horseracing. It basically terminates the board unless there is not positive action to reestablish the board. The bill creates a Horseracing Advisory Council consisting of five members, three of whom are breeders or owners of race horses, one a member of an independent horseracing association and one a member of a county fair board that conducts pari-mutuel betting, and all of whom are appointed by the governor for terms of three years. The bill provides detailed rules of conduct for all persons engaged in racing.

PROPOSERS:

SENATOR HIMSL, Chairman of the Audit Committee and co-sponsor of HB 553: Horseracing business is big business in the State of Montana and it is tremendously complex. The committee decided that the state would be best served by having an independent commissioner, referred to as a "czar", who would make all the decisions after advice from his council.

OPPOSERS:

LINDA KING, Public Member of the Board of Horseracing: The Sunset pointed out some glaring problems with the administration and set the stage for addressing these issues. People within the industry see problems with the single commissioner form of regulation. The audit committee pointed out one problem was certain people in the industry trying to control board members. It would be much simpler to control one commissioner than five individuals. You can rarely get five to agree on one issue. The cost of a single commissioner form would be prohibitive. A commissioner would cost no less than \$27,000 and would need administrative support.

DALE MAHLUM, Western Montana Fair in Missoula: I would not like to see a czar established in this state.

REP. McBRIDE: HB 553 is the result of a great deal of compromise within the industry. Please consider the recommendations of the audit committee. Please hold questions until after HB 853 is presented.

HOUSE BILL 853

REP. RON MILLER, District 42, sponsor, opened by saying this bill will authorize the position of Executive Secretary of the Board of Horseracing by statute and set limits on the authority of the position, preventing the creation of a "racing czar." This bill represents a total group effort on the part of Montana's racing community. (Exhibit #1)

PROPOSERS:

BERT BOUGHTON, President, Montana Horse Council: We support this bill very strongly. We are not satisfied with HB 553.

BILL NOONEY, Fair Board, Missoula: This bill attempts to satisfy the requirements of the Sunset committee. Our first responsibility is to the public, secondly for the safety of the jockey and safety of the horse and the owner and trainer coming after that. Everyone does not agree with everything in HB 853 but they felt it satisfied the requirements needed to promote racing in Montana.

STEVE PILCHER, Horseman's Benevolent Association: The audit committee did an outstanding job of assessing the problems in the industry but they became a bit over zealous in trying to solve those problems. All of the factions involved in racing came together to produce HB 853 and it represents alot of hard work and compromise from within the industry.
(Exhibit #2)

SEN. DICK MANNING, Big Sky Horse Racing Association: I want to go on record as supporting HB 853.

(Chairman Metcalf asked all those in favor of HB 853 to stand. The majority of those present stood)

OPPOSERS:

REP. KATHLEEN McBRIDE: I don't rise as an opponent. There are three things that I want to raise as questions. Is there a prohibition of employees of the track and employees of the board from betting? This was included in the audit committee's recommendations but was inadvertently left out of this bill. There is also the requirement on bonding that you might want to take a look at.

QUESTIONS:

REP. PAVLOVICH: Linda King, you don't specify who you would want on the board. Linda King: In HB 853, the members would be five public members who could not have any interest in race horses or race meets. They are set geographically and appointed by the governor with the consent of the Senate.

HOUSE BILL 834

REP. JOE BRAND, District 28, sponsor, opened by saying there is a problem in the real estate business and this bill is an attempt to help that situation. This bill is presented to stimulate the economy. People who are selling out today because of the economy will be able to have more of an equity from their business so they will not have to go on welfare. The real estate agent only gets the buyer and seller together. Selling a \$50,000 home at a 7% commission the broker would receive \$3,500 and at 4.5% in this bill, the commission of the broker would be \$2,250.

HOUSE BILL 827

REP. FABREGA: I move we TABLE HOUSE BILL 827.

REP. PAVLOVICH: The intent was there but the bill was drafted real poorly. What's happened before is the company has given the employees severance pay but they labeled this closure as a suspension and they have given no severance pay.

QUESTION: Motion carried with Rep. Pavlovich voting no.

HOUSE BILL 701

REP. FAGG: They took out the fee schedule that the small banks complained about. There will be a semi-annual assessment that the department will establish through rule-making. The computation of the total fee shall be based on the assessments the company has shown in the last consolidated report. In addition, trust companies shall pay \$200 per day for each examiner. I think it's a fair compromise and I will move the amendments.

QUESTION: Motion carried unanimously.

REP. FAGG: I move DO PASS AS AMENDED HOUSE BILL 701. (Exhibit #6)

QUESTION: Motion carried unanimously.

REP. FAGG: I move the Statement of Intent. (Exhibit #7)

QUESTION: Motion carried unanimously.

HOUSE BILL 838

REP. FABREGA: I move we TABLE HOUSE BILL 838. We need time to study this bill and it needs alot of work.

QUESTION: Motion carried unanimously.

HOUSE BILL 834

REP. FABREGA: I move we TABLE HOUSE BILL 834.

QUESTION: Motion carried unanimously.

HOUSE BILL 553

REP. FAGG: I move we TABLE HOUSE BILL 553.

QUESTION: Motion carried unanimously.

HOUSE BILL 853

REP. FAGG: I move DO PASS HOUSE BILL 853.

REP. HARPER: I have a number of amendments to offer. Page 5, line 21 - Insert: "No member of the board may wager on any licensed racing meet in this state."

REP. PAVLOVICH: How are you going to stop it? Someone can place a bet for them.

REP. HARPER: I move the amendment.

QUESTION: Motion carried unanimously.

FEBRUARY 18, 1983

Page 8

Business & Industry Committee

REP. HARPER: On Page 8, line 18 - Insert: "Fair boards". I move the amendment.

QUESTION: Motion carried unanimously.

REP. HARPER: Page 8, line 21 following horses, insert: "under saddle." I move the amendment.

Chub Askin: There will be testimony that there are no standard bred horses raised in Montana. The commission should be allowed if they want to permit it, but it shouldn't be made illegal.

REP. SCHULTZ: I think the option should be left open. It's not coming right now but we shouldn't put up a barrier.

REP. METCALF: I believe we should leave this alone so Montana people can breed harness horses if they want to.

QUESTION: Motion failed with Reps. Pavlovich, Harper, Lybeck, Kadas and Ellison voting yes.

REP. HARPER: Page 8, line 22 - Insert: "Appointed by the board" I move the amendment.

QUESTION: The motion carried unanimously.

REP. HARPER: Page 9, line 1 - Insert: "(a) "Board of stewards" means a board composed of three stewards who supervise racing meets." I move the amendment.

QUESTION: Motion carried unanimously.

REP. HARPER: Page 11, line 4 - Insert: "No racing official hired by the department or approved by the board may wager at a racing meet at which he presides." I move the amendment.

QUESTION: The motion carried unanimously.

REP. HARPER: Page 13, line 22 - Strike the bonding and insert "setting aside of up to 2% of wagering to be used as a bonus for owners pursuant to 23-4-304(2) and to defray administrative costs." I move the amendment. This is a better way to fund this. Instead of taking it out of the public's take, you take it from the high rollers who bet the exotic races.

Linda King: In order to fund the owners award, there is not sufficient money collected. The 1% that goes to the state is the only money available to administer the programs and it is now declining. We are also asking that the uncashed winning tickets go to the tracks for capital improvements. As regards the exotic wagering...there are many, many problems with this that the board will want to look at very carefully. If you tie in to exotic wagering an important program like owner's awards, we will not be able to say no to exotic wagering. The biggest scandals in racing are tied to exotic wagering so it is something we want to be careful with.

BILL NOONEY: I want to make sure you understand that for every dollar bet at the race track, 20% of that comes to the track. From 80% goes to the bettors, 1% goes to the commission. Out of the 19% left that the track has to operate this plant, we generally have been in a contract situation with the horse people and they take 9 1/2% so the track ends with 8 1/2% to pay its bills. We don't have the money to pay the bonus and we want it to come from the bettor's portion at 1%.

REP. HARPER: I am under the impression that 21% is one of the highest percentages that the track takes in the nation. 1% raises \$100,000 state-wide.

V

REP. HARPER: Linda, do you doubt that exotic racing is going to come to this state? Linda King: We do have some now.
Rep. Harper: I am going to put this under rulemaking authority so you can adopt it or not. You have offered this to the legislature for a number of years and they have turned it down. This will offer the board an option so if they want to do it, they can.

Linda King: Rep. Harper, are you talking about that 2% coming out of the 20% or an additional 2% for exotic races?

REP. HARPER: It's in addition - it's keyed strictly to exotic racing.

QUESTION: Motion carries with Rep. Schultz voting no.

REP. HARPER: Page 15, line 16 - insert: "and in the race meet grounds or enclosure where a race is being held."

Linda King: The way it's worded, it would not permit any off track wagers. It would allow Butte to bet on Helena if they were running simultaneously. You cannot wager in a bar or anywhere but in a licensed race track.

REP. HARPER: If this language is reinstated her statement is true, if it's not, it's not true. It would be a big mistake to pass this bill out with that language deleted. It would be a major expanse of parimutual betting in the state.

REP. HARPER: I move the amendment to reinstate the language and add the insert.

QUESTION: Motion carried with 9 voting for and 5 opposed.

REP. HARPER: Page 15, line 22 - strike 21% and insert 20%.
I move the amendment.

QUESTION: Motion carried with Reps. Schultz, Pavlovich voting no.

REP. HARPER: Page 16, line 14 - Strike lines 14 through 19 and renumber subsequent sections. This was inserted into exotic wagering. I move the amendment.

QUESTION: Motion carried unanimously.

REP. HARPER: Page 16, line 21 - Strike: "subsection (2)" and insert: "23-4-202(4)(d)."

QUESTION: Motion carried unanimously.

REP. HARPER: Page 16, line 25 - Strike: "remainder of line 25" Insert: "under 23-4-202(4)(d)."

QUESTION: Motion carried unanimously.

QUESTION: Motion of DO PASS AS AMENDED HOUSE BILL 853 carried unanimously.

REP. HARPER: I move the Statement of Intent.

QUESTION: Motion carried unanimously.

The hearing adjourned at 11:30 a.m.

J. Metcalf

REP. JERRY METCALF, CHAIRMAN

Linda Palmer

Linda Palmer, Secretary

Chairman Metcalf, and members of the Committee on Business and Industry.

Thank you for the opportunity to present to you HB 853, A Bill Reestablishing the Board of Horse Racing.

In contrast to Representative McBride's Bill on behalf of the Sunset Review Committee, this Bill would reestablish the Board of Horse Racing for six years. However, a significant change in Board composition has been designed into this bill. In order to address the concerns of the legislative auditors, the Sunset Review Committee, and the horse racing industry, itself, this bill would mandate a 5-member public board, with each member representing a specific geographical district.

In addition, this bill will authorize and describe the authority, duties and responsibilities, by statute, of the Executive Secretary of the Board of Horse Racing. As the Committee may know, the Department of Commerce hired an Executive Secretary to the Board of Horse Racing one year ago. Previous to this time, the administrative functions were met with one half-time secretary and by various other administrative and secretarial staff of the Department of Professional and Occupational Licensing. Those having reviewed the Sunset Audit Report on the Board of Horse Racing will know that there were many problems with the day-to-day administration of horse racing in Montana, prior to the installation of the current Executive Secretary. This bill will not only authorize this position by statute, but even more importantly, will set limits on the authority of this position, preventing the creation of a "racing czar." This bill will provide for comprehensive, day-to-day administration of this important industry without vesting too much authority in any one person.

Another area of concern identified by the Legislative Auditor was the lack of statutory authority to suspend licenses or levy fines by the Board of Stewards. This had been an authority which was delegated to the Stewards by the Board of Horse Racing. HB 853 sets forth, by statute, the powers and authority of the Board of Stewards.

The appearance of a "Conflict of Interest," was noted in that there were charges that various racing officials, whether they were employed by the State or by the individual race meet, were placing bets on the races which they officiated. HB 853 prohibits any member of the Board, its Executive Secretary, the Board of Stewards, the State Security Director, and the State Veterinarian from wagering on races at meets at which they

officiate. Employees of the individual meets are prohibited from wagering at their own race meets by this bill, as well.

Finally, it was noted that the appearance of a Conflict of Interest also existed when State or track officials held official positions at race meets when either they, or members of their immediate families, owned, trained, or had a financial interest in a race horse. This bill specifically defines "immediate family" and then goes on to prohibit the employment of racing officials if they, or members of their immediate families, own, train or have any financial interest in a race horse at that race meet. In addition, no member of the Board of Horse Racing may be a member of a County Fair Board which conducts race meets, nor may they have any financial interest in a private racing association or meet, nor may they be an owner, trainer or breeder of race horses.

It is important to note, at this point, that this bill is a somewhat extraordinary document. It represents a total group effort on the part of Montana's racing community. It is a consensus of opinion between the horsemen (owners and trainers), the breeders, the county fair committees, the independent race meets, and members of the board of horse racing. While each group does not agree 100% with every part of the bill, they have agreed to compromise with each other and have come up with a bill which they can support. In addition, we feel this is a bill which will fully address the concerns of the Legislative Auditor and the Sunset Review Committee.

Besides meeting the concerns listed in the Sunset Review report, this bill addresses additional concerns of Montana's racing industry.

First, the bill provides for an Owners Award which will be paid to the owners of Montana-bred horses "finishing in the money" at licensed race meets in Montana. The fund for this award will come from an additional 1% of the "handle" at each race meet. Currently, 80% of the dollars wagered on each race is returned to the public; this bill would cause 79% of the dollars wagered to be returned to the bettor, with the additional 1% being withheld being transferred to the Board of Horse Racing for distribution to the owners of Montana-bred horses using a formula which is defined by statute.

Second, HB 853 allows the individual county fair or racing association to report and retain the money left in the betting pool from "Uncashed Winning Tickets." This money will be available to the fair boards and racing associations for capital improvements to their race facilities, upon approval of the Board of Horse Racing.

Finally, any mention of specific breeds of race horses or any specific type of racing has been eliminated from this bill. The committee should note that there is currently a difference of opinion within the racing industry as to whether or not the Legislature intended to allow "harness racing" in Montana. This bill will not answer that question; however, ~~this question must be answered.~~

The legislature will need to address this issue with a specific attachment of "Legislative Intent."

In closing, I must restate the obvious. If HB 553 or HB 853, or some combination of the two, does not pass the 48th Session of the Montana Legislature, pari-mutual betting on horse races in Montana will not be legal. If that happens, a multi-million dollar industry will be lost to this state. Besides the unthinkable financial hardship this will cause to the hundreds of people taking part in this industry, directly, such a situation will cause problems to the citizens of Montana to whom racing is an integral part of their county fair, to Montana's growing tourism industry, to the economies of the cities and towns which derive substantial benefit "when the races come to town," and, finally, to Montana's General Fund. While the General Fund does not gain revenue directly from a "tax" on horse racing, the General Fund has benefited not only from the "interest on the Board of Horse Racing's Earmarked Revenue Fund," but also from the personal and farm state income taxes paid by the breeders and owners of these valuable animals.

I urge the Committee's careful scrutiny of these two bills, and your favorable consideration of the industry's bill -- HB 853.

Thank you.

HORSEMAN'S BENEVOLENT AND PROTECTIVE ASSOCIATION

Montana Division P. O. Box 901
Livingston, Montana 59047

TESTIMONY IN SUPPORT OF HB 553

Mr. Chairman and members of this committee, my name is Steve Filcher and I would like to testify in support of HB 553. I am a licensed race horse owner and trainer in Montana and Sec./Trees. for the Montana Division of the Horsemen's Benevolent & Protective Association which has approximately 800 race horse owner/trainer members.

As has been previously explained to you, the Board of Horse Racing underwent Sunset Audit Review during 1981 and 1982. The Legislative Auditor's office did a commendable job in assessing the regulatory control of the horse racing industry and identifying problem areas. If they can be faulted at all it is in the somewhat overzealous recommendations to correct the problems. The issues identified for legislative consideration have already been discussed by Rep. McBride. Many of the same people who are here today participated in the public hearing process associated with that review and supported the findings of the Auditor's office.

While they agreed on the problems it was apparent at the audit committee hearings that the industry was not, at that time, in total agreement as to how the problems should be corrected. The Audit Committee recommendations, as outlined in HB 553 which was discussed earlier, did however meet with resistance throughout the industry as you have seen by the show of opposition here today. On December 15, 1982 representatives of the groups who are gathered here today met in Great Falls to discuss the matter. A copy of the minutes of that meeting are being provided to you for your use. The outcome of that meeting was a unified commitment to work together to develop an alternative to the audit committee recommendations. Starting with a rough draft of a bill at that meeting

representatives of those groups continued to meet and work out details of the bill that is now HB 853.

This bill represents the thoughts, ideas, and hard work of a lot of people in the industry but most importantly represents a unified position of all groups associated with horse racing in Montana.

In summary I would only say that the Sunset Review process provided us with an opportunity to identify problems associated with the industry and the audit report to the legislature contains several valid issues. We feel that HB 853 deals appropriately with those important issues and contains provisions to address other program weaknesses that will be discussed by others. Most importantly, it has the unified support of the horse racing industry in Montana. Your favorable consideration of HB 853 will be an important step in allowing this industry to develop in a way in which we can all take pride.

On behalf of our 800 members I would ask for your support of this important legislation.

Thank You.

MINUTES

MEETING OF THOSE INTERESTED IN HORSE RACING IN MONTANA

DECEMBER 15, 1982 HERITAGE INN - GREAT FALLS, MONTANA

Mr. Bill Nooney called the meeting to order at approximately 1:45 PM. The following groups were represented:

- Rocky Mountain Fair Assoc.
- Montana Quarterhorse Assoc.
- Montana Horse Breeders Assoc.
- Montana Appl. Assoc.
- Montana Paint Horse Assoc.
- Horsemen's Benevolent & Protective Assoc.
- Montana Board Of Horse Racing
- Last Chance Racing Inc.
- Program Data Inc.
- Numerous other individuals

Mr. Nooney introduced a representative from Program Data Inc. who had asked to meet with the group. He wanted to assure the group that even with the death of Keith they planned to continue the service that they have in the past. They will be meeting with track management in the very near future to discuss contracts for the coming year.

Mr. Nooney then explained that the purpose of the meeting was to get all of the organizations concerned with the horse racing industry together to discuss the need for legislation to recreate the Board of Horse Racing in light of the recent Sunset review and to pull together on any proposed legislation for the upcoming legislative session.

He asked Steve Meloy, Executive Secretary for the Board, to review the Sunset Audit process and bring the group up to date on Board action in response to the audit. Steve explained that the purpose of the audit was to evaluate the performance of the Board and to ensure the the original goals and purpose of the Mt. Law on Horse Racing was being met. He indicated that the Board looked at the review as a good critique of their operation. He explained that the Board was proposing legislation which would recreate the Board as it now exists and also include several other minor changes. He stated that the Board preferred a 5 member Board with 1 member representing track management, 1 member representing horsemen and 3 members at large.

Mr. Askin, representing HBPA, said his group recommended a 5 member Board with no conflict of interest.

Mr. DeNittis, representing the Montana Horse Breeders Assoc., stated that they would prefer a public board over the current board. He felt that horsemen had not received fair treatment on several occasions in the past by the board.

Mr. Brewer, representing Last Chance Racing, recommended a 5 person board with representation from different geographic areas.

Mr. Carruthers, representing the Montana Quarterhorse Assoc., recommended a 5 member independent board.

Considerable discussion then took place with regard to the make-up of the Board. There was concern over a lack of interest on the part of public members. A concern was also expressed over the fact that a bias exists on the current Board in that the horsemen's representative is prohibited from racing horses in the state but Board members can have financial interest in a race track.

Following the discussion it was evident that a majority of the people present were in agreement that the Board should be a 5 member independent board.

Mr. Chiesa suggested that a recommendation be made which would allow existing at large members of the board to be re-appointed in order to allow a smooth transition to the new board.

Several other items which might be addressed in proposed legislation were then discussed. Mr. Shelhamer discussed off-track betting and wanted to ensure that the proposed legislation did not prohibit that activity should it be considered at some time in the future.

The proposed also includes provisions to use revenue from uncashed winning tickets to establish a fund to be distributed to the owners of Montana bred horses. The Montana Horse Council will be proposing legislation to increase the amount withheld from the pari-mutual handle by 1% with that money being used to establish a program for a bonus for the owners of Montana bred horses.

Discussion then took place regarding the use of revenue from uncashed winning tickets for track management purposes. There did not appear to be major objection to that change.

The group then decided that due to the urgency of the matter a committee should be appointed with representation from all segments of the racing industry. This committee would review the legislation being proposed by the Board of Horse Racing and work toward revisions which would hopefully result in legislation which could be supported by all of the groups. This would present a united front to the legislature and should be better received by them.

The committee was scheduled to meet on December 20, 1982 at 1:00 PM in Helena to begin review and revision of the proposed legislation. The committee consists of the following representatives:

Bill

Here are minutes
from the Dec. 15th
meeting. Hope they
are adequate for
your use.

The meeting adjourned at approximately 4:15 PM.

Steve Fisher

STANDING COMMITTEE REPORT

February 1

19 83

MR. SPEAKER

We, your committee on BUSINESS & INDUSTRY

having had under consideration HOUSE Bill No. 353

first reading copy (white)

"AN ACT REESTABLISHING THE BOARD OF HORSERACING UNDER EXISTING
STATUTORY AUTHORITY AND RULES; CHANGING THE COMPOSITION OF THE
BOARD; PROVIDING FOR AN EXECUTIVE SECRETARY TO THE BOARD AND
DEFINING HIS DUTIES; REQUIRING THE BOARD TO ESTABLISH A FUND FOR
RECOGNITION OF MONTANA-BRED HORSES; REVISING AND CLARIFYING
PROVISIONS RELATING TO HORSERACING; AMENDING SECTIONS 2-8-103,
2-15-1381, 23-4-101, 23-4-104, 23-4-105, 23-4-201, 23-4-202,
23-4-204, 23-4-301, 23-4-302, 23-4-304, AND 23-4-305, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 353

BE AMENDED AS FOLLOWS:

1. Page 5, line 21 -
Following: "board."

Insert: "No member of the board may wager on any licensed racing
meet in this state."

2. Page 8, line 18
Strike: "local government units"
Insert: "fair Boards"

3. Page 9, line 22
Strike: "appointed by the board"
Insert: "hired by the department"

4. Page 9, line 1
Following: line 25 on page 8
Insert: "(a) "Board of stewards" means a board composed of three
stewards who supervise racing meets."

BRP:SSX

February 19 19 93

5. Page 11, line 4

Following: line 3

Insert: "No racing official hired by the department or approved by the board may wager at a racing meet at which he presides."

6. Page 13, line 22

Following: "(d)"

Strike: remainder of line 22 through "complaints" on line 24

Insert: "setting aside of up to 2% of wagering to be used as a bonus for owners pursuant to 23-4-394 (2) and to defray administrative costs"

7. Page 15, line 16

Following: "held"

Insert: "and in the race meet grounds or enclosure where a race is being held"

8. Page 15, line 22

Strike: "218"

Insert: "208"

9. Page 16, line 14

Following: line 13

Strike: lines 14 through 19 in their entirety

Renumber: subsequent subsections

10. Page 16, line 21

Following: "under"

Strike: "subsection (2)"

Insert: "23-4-202(4)(3)"

11. Page 16, line 25

Following: "collected"

Strike: "remainder of line 25"

Insert: ~~XXXXXX~~ "under 23-4-202(4)(d)"

AND AS AMENDED

DO PASS

STATEMENT OF INTENT ATTACHED.

FEBRUARY 13 1983

MR. SPEAKER:

WE YOUR COMMITTEE ON BUSINESS & INDUSTRY, HAVING HAD UNDER CONSIDERATION HOUSE BILL NO. 853, FIRST READING COPY WHITE, ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT
HOUSE BILL 853

A statement of intent is required for this bill because it expands the existing rulemaking authority of the Board of Horse-racing granted under a previous act.

It is contemplated that the rules shall address the following:

1. absolute responsibility of trainers for the condition of horses, regardless of the acts of third parties;
2. refusal to license persons whose licenses have been suspended or revoked by another horse racing jurisdiction;
3. exclusion from race courses in this state persons considered detrimental to the best interests of racing;
4. standards to be applied in determining conditions under which a license may be renewed if it has been suspended;
5. summary ruling during race meets by stewards, stay of imposition of summary penalties, and assessment of interest and penalty on late payment of fines; and
6. retention of purses pending final disposition of complaints, protests or appeals; allowing and regulating exotic wagering, and providing for the disposition of the 2% wagering share allocation under 23-4-202(4)(d) and for the other purposes specified.

COMMITTEE ON BUSINESS AND INDUSTRY

<u>HOUSE</u> BILL NO.	<u>ENTERED</u> COMM.	<u>DATE</u> CONSIDERED	<u>OUT OF</u> COMM.	<u>DO PASS</u> DATE	<u>DO NOT</u> PASS DATE	<u>DO PASS</u> AS AMEND. DATE	<u>BE CON-</u> CURRED IN DATE	<u>BE CONC. IN</u> AS AMENDED DATE	<u>BE NOT CON-</u> CURRED IN DATE
HB 638	3-1-83	3-10-83 3-16-83	3-16-83				3-16-83		
HB 655	3-1-83	3-15-83	3-15-83				3-15-83		
HB 670	3-1-83	3-14-83	3-14-83				3-14-83		
HB 685	3-2-83	3-10-83 3-21-83	3-21-83					3-21-83	
HB 696	3-2-83	3-14-83	3-14-83				3-14-83		
HB 700	3-19-83 3-21-83	3-21-83						3-21-83	
HB 701	3-2-83	3-14-83 3-19-83	3-19-83					3-19-83	
HB 710	3-1-83	3-15-83 3-19-83	3-19-83				3-19-83		
HB 814	3-1-83	3-23-83	3-23-83					3-23-83	
HB 818	3-2-83	3-19-83 3-24-83	3-24-83				3-24-83		
HB 853	3-1-83	3-18-83 3-19-83	3-19-83					3-19-83	
RETURNED HB 853	3-24-83	3-24-83	3-24-83					3-24-83	
HB 871	3-1-83	3-21-83 3-24-83	3-24-83					3-24-83	
HB 886	3-2-83	3-23-83	3-23-83					3-23-83	

Use a separate sheet for Senate, House Bills, and Resolutions.

The Committee voted unanimously, by voice vote, that HOUSE BILL 527 BE NOT CONCURRED IN.

Senator Lee will carry this bill on the floor.

ACTION ON HOUSE BILL 529: Senator Lee made the motion that on page 1, line 19, strike \$200 and insert \$150. Senator Dover seconded the motion.

The Committee defeated the motion by voice vote.

Senator Dover made the motion that House Bill 529 Be Concurred In. Senator Regan seconded the motion.

The Committee voted unanimously, by voice vote, that HOUSE BILL 529 BE CONCURRED IN.

Senator Fuller will carry this bill on the floor.

ACTION ON HOUSE BILL 701: Senator Lee made the motion that the proposed amendment prepared by Staff Attorney Greg Petesch Be Adopted. (Exhibit No. 1) Senator Dover seconded the motion.

The Committee voted unanimously, by voice vote, that the proposed amendment to HOUSE BILL 701 BE ADOPTED.

Senator Lee made the motion that House Bill 701 As Amended Be Concurred In. Senator Dover seconded the motion.

The Committee voted unanimously, by voice vote, that HOUSE BILL 701 AS AMENDED BE CONCURRED IN.

Senator Christiaens will carry this bill on the floor.

ACTION ON HOUSE BILL 710: Senator Dover made the motion that House Bill 710 Be Concurred In. Senator Christiaens seconded the motion.

The Committee voted unanimously, by voice vote, that HOUSE BILL 710 BE CONCURRED IN.

Senator Crippen will carry this bill on the floor.

ACTION ON HOUSE BILL 853: Senator Dover made the motion that House Bill 853 Be Concurred In. Senator Regan seconded the motion.

Senator Gage made a substitute motion that his proposed amendment, page 9, line 1, after "horses" insert "under saddle" Be Adopted.

The Committee voted by Roll Call Vote, 2-8 so the motion failed.

Senator Lee made the motion that the amendments which he prepared to House Bill 853 Be Adopted. (Exhibit No. 2) Senator Fuller seconded the motion.

The Committee voted by voice vote, 7-2, with Senators Boylan and Regan voting no, that the proposed amendments to HOUSE BILL 853 BE ADOPTED.

Senator Dover made the motion that House Bill 853 As Amended Be Concurred In. Senator Lee seconded the motion.

The Committee voted unanimously, by voice vote, that HOUSE BILL 853 AS AMENDED BE CONCURRED IN.

Senator Gage will carry this bill on the floor.

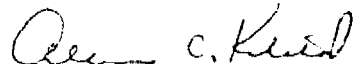
ACTION ON HOUSE JOINT RESOLUTION 14: Staff Attorney Petesch stated the information on their books was from Representative Connelly.
(Exhibit No. 3)

Senator Lee made the motion that House Joint Resolution 14 As Amended Be Concurred In. Senator Dover seconded the motion.

The Committee voted unanimously, by voice vote, that HOUSE JOINT RESOLUTION 14 AS AMENDED BE CONCURRED IN.

Senator Fuller will carry this bill.

ADJOURN: There being no further business, the meeting adjourned at 9:50 a.m.


ALLEN C. KOLSTAD, CHAIRMAN

STANDING COMMITTEE REPORT

March 19 19 83

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration HOUSE Bill No. 953

MILLER (GAGE)

Respectfully report as follows: That HOUSE Bill No. 853
be amended as follows:

1. Statement of Intent, page 2, line 3.

Following: Line 2.

Insert: "It is the intent of the legislature, that if the board decides to authorize new forms of racing not currently engaged in in Montana, it shall do so after holding public hearings to determine the effects of these forms of racing on the existing saddle racing program in Montana. The board should consider both economic and safety impacts on the existing racing and breeding industry."

2. Page 10, line 15.

Following: "year"

Insert: "If the board decides to authorize new forms of racing not currently engaged in in Montana, it shall do so after holding public hearings to determine the effects of these forms of racing on the existing saddle racing program in Montana. The board should consider both economic and safety impacts on the existing racing and breeding industry."

~~XXXXXX~~

3. Page 12, line 3.

Strike: "at a race course in this state"

... CONTINUED ...

JLC

March 19

19 83

HOUSE BILL 853

4. Page 17, line 15.

Following: "department"

Insert: ", after first passing through the board's agency fund
account,"

AND, AS SO AMENDED,

BE CONCURRED IN

A/C